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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

SHAWN PATRICK BELL,

Defendant and Appellant.

B215740

(Los Angeles County  
Super. Ct. No. YA070447)

APPEAL from a judgment of the Superior Court of Los Angeles County, Mark S. Arnold, Judge. Dismissed.

Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance on behalf of Plaintiff and Respondent.

On December 18, 2008, defendant, Shawn Patrick Bell, pled no contest to a drug charge and admitted several special allegations. Defendant's probable cause certificate issuance certificate request was denied. It did not appear the present matter was appealable. Thus, we issued an order to show cause concerning possible dismissal of the appeal and set the matter for oral argument which was waived. We have a duty to raise issues concerning our jurisdiction on our own motion. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126; *Olson v. Cory* (1983) 35 Cal.3d 390, 398.)

Defendant has failed to fully and timely comply with both Penal Code section 1237.5 and California Rules of Court, rule 8.304(b). (*In re Chavez* (2003) 30 Cal.4th 643, 651; *People v. Mendez* (1999) 19 Cal.4th 1084, 1099; *People v. Way* (2003) 113 Cal.App.4th 733, 736.) Without a probable cause certificate, defendant cannot appeal. (*People v. Kaanehe* (1977) 19 Cal.3d 1, 8; *People v. Ribero* (1971) 4 Cal.3d 55, 61; *People v. West* (1970) 3 Cal.3d 595, 600-601; *People v. Ward* (1967) 66 Cal.2d 571, 574-576.) There is no merit to defendant's argument he can challenge the manner in which his motion to withdraw his plea was denied. Defendant's notice of appeal does not indicate he was appealing any event that occurred after his plea and which does not affect the validity of his plea. We have examined the original notice of appeal and defendant erased the checkmark in the notice of appeal form which would preserve the right to appeal post-plea events. Finally, defendant may not challenge the sentence because there was noncompliance with the plea bargain. The probable cause certificate requirement applies to a challenge of the type asserted by defendant to a sentence after a guilty plea. (*People v. Panizzon* (1996) 13 Cal.4th 68, 79-89; *People v. Sturns* (2000) 77 Cal.App.4th 1382, 1389; *People v. Young* (2000) 77 Cal.App.4th 827, 829-834; *People v. McNight* (1985) 171 Cal.App.3d 620, 624-626; *People v. Arwood* (1985) 165 Cal.App.3d 167, 171-172.)

The appeal is dismissed.

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TURNER, P. J.

We concur:

ARMSTRONG, J.

KRIEGLER, J.